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10/687,794	10/17/2003	James R. Jenkins	STL11063	9881

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Fellers, Snider, Blankenship,
Bailey & Tippens, P.C.
Suite 1700
100 North Broadway
Oklahoma City, OK 73102-8820

EXAMINER

ADAMS, GREGORY W

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3652

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Please find below and/or attached an Office communication concerning this application or proceeding.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2, 11-13, 19-20 & 23-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Biche et al. (US 5,443,348).

With respect to claims 1 & 28, Biche et al. disclose a disc caddy presentation apparatus comprising a pivot block 34A (or 42 as it supports pivoting 20A, 43 & 44), slide having a linearly stationary proximal end fixed in rotation with a pivot block 34A (or 42 as it supports pivoting 20A, 43 & 44) and a linearly extensible distal end 44 and a gripping block 20A attached to a slide distal end gripping member 85 supported by a gripping block 20A.

With respect to claim 2, Biche et al. disclose disc caddy locating assembly 34a supported by a gripping block 20A.

With respect to claim 11, Biche et al. discloses a pivot block 34A (or 42 as it supports pivoting 20A, 43 & 44) that moves by extensible cylinder 88.

With respect to claim 12, Biche et al. discloses a travel sensor 92 mounted to gripping block 20A.

With respect to claim 13, Biche et al. discloses an infeed conveyor disposing a disc caddy opening in a non-vertical plane.

With respect to claim 19, Biche et al. discloses a method comprising

tilting a disc caddy to a first angular orientation (e.g. an operator orients a caddy to mimic a presentation apparatus start position);
tilting a gripping block to achieve a parallel relationship with a disc caddy;
moving a gripping block linearly to abuttingly engage a disc caddy;
gripping a disc caddy with a gripping block (e.g. setting a disc caddy on a gripping block); and
pivoting a gripping block to tilt a disc caddy to a second angular orientation different than a first angular orientation.

With respect to claim 20, Biche et al. discloses locating a disc caddy in relation to a datum after a moving step.

With respect to claim 23, Biche et al. discloses gripping step characterized by closing opposing jaws 80 against a disc caddy.

With respect to claim 24, Biche et al. discloses a gripping step is characterized by on active jaw 80.

With respect to claim 25, Biche et al. discloses locating step is characterized by moving a datum surface against a disc caddy

With respect to claim 26, Biche et al. discloses locating step is characterized by moving an opposing datum surfaces against a disc caddy.

With respect to claim 27, Biche et al. discloses tilting step is characterized by moving a disc caddy from a first position to a second position adjacent a gripping block

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biche et al. (US 5,443,348) in view of Choi (US 5,772,700).

With respect to claims 3-6, Biche does not disclose two moveable bars that engage a disc caddy bottom or linkage. Choi discloses two moveable bars 40 (i.e. the bars interspersed among openings 31) that abut a disc caddy (FIG. 6) and move via linkage 5 to an actuator. Choi teaches moveable bars to accommodate multiple size disc caddys for use in a loader/unloader indexer. C1/L6-10. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the locating assembly of Biche to include two moveable bars that engage a disc caddy bottom and linkage, as per the teachings of Choi, such that a loader/unloader indexer can accommodate disc caddys of multiple sizes.

With respect to claim 7, Biche et al. disclose gripping member opposing jaws 33A, 82.

With respect to claim 8, Biche et al. disclose one jaw 33A is fixed.

With respect to claim 9, Biche et al. disclose other jaw 85 moves with extensible slide.

With respect to claim 10, Biche et al. disclose linkage 91 moves with extensible cylinder 88.

3. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsushima (US 5,947,675) in view of Smith et al. (US 5,984,623). Matsushima discloses a caddy attachment 64 securing a disc caddy and means 18 for presenting a disc caddy, and does not disclose a caddy vacuum attachment. Smith includes vacuum (indicated generally as 57) in its caddy attachment 45 such that during transfer of caddys 25 without damage. C1/L20-40. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Matsushima's caddy attachment to include a vacuum, as per the teachings of Smith et al., to prevent damage to the surface of a caddy.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th., 8:00-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA



EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600